



**GORLICK, KRAVITZ & LISTHAUS, P.C.**

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*Attorneys for Plaintiffs*

## MEMO ENDORSED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**MASON TENDERS DISTRICT COUNCIL** :  
**WELFARE FUND, PENSION FUND, ANNUITY** :  
**FUND, TRAINING FUND, HEALTH AND SAFETY:** :  
**FUND, and DOMINICK GIAMMONA, as FUNDS'** :  
**CONTRIBUTIONS/DEFICIENCY MANAGER,** :  
  
**Plaintiffs,** :  
  
**v.** :  
  
**SPRAY FORCE SYSTEMS, INC. and JASON** :  
**NOTO,** :  
  
**Defendants.** :  
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**17 Civ. 52 (LAK)**

**NOTICE OF MOTION TO  
COMPEL COMPLIANCE  
WITH AN INFORMATION  
SUBPOENA TO ALBA  
SERVICES INC.**

**PLEASE TAKE NOTICE**, that upon the annexed Declaration of Jonathan Sobel in Support of Motion to Compel Compliance with an Information Subpoena to Alba Services Inc., the Declaration of Bruce L. Listhaus in Support of Motion to Compel Compliance with an Information Subpoena to Alba Services Inc., and Plaintiffs' Memorandum of Law in Support of Motion to Compel Compliance with an Information Subpoena to Alba Services Inc., Plaintiffs Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund, Training Fund, Health and Safety Fund, and Dominick Giammona, as Funds' Contributions/Deficiency Manager (collectively, "Plaintiffs") will move this Court before the Honorable Lewis A. Kaplan, United

States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, pursuant to Rule 69 of the Federal Rules of Civil Procedure and Rules 2308(b), 5223, and 5224 of the New York Civil Practice Law and Rules, for an order:

- 1) compelling Alba Services Inc. to respond to the information subpoena served upon it on October 5, 2022;
- 2) requiring Alba Services Inc. to pay Plaintiffs \$1,242.50 consisting of \$50.00 as costs, \$50.00 as a penalty, and \$1,142.50 in attorneys' fees as damages incurred by Plaintiffs in attempting to effect compliance with the information subpoena and in making this motion; and
- 3) such other and further relief as the Court deems just and proper.

Dated: New York, New York  
December 19, 2022

GORLICK, KRAVITZ & LISTHAUS, P.C.  
*Attorneys for Plaintiffs*

By: /s/ Jonathan Sobel

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TO: Alba Services Inc.  
240 West 52nd Street  
New York, New York 10019 (via Overnight Mail)

Granted in all respects except that Alba shall respond on or before 10/5/24

ORDERED

LEWIS A. KAPLAN, USDJ

9/17/24